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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,687	10/23/2003	Suzanne Gibson	2435U.001	6631
21917	7590	07/06/2007		
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410			EXAMINER DURHAM, NATHAN E	
			ART UNIT 3765	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/691,687

Applicant(s)

GIBSON, SUZANNE

Examiner

Nathan E. Durham

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Applicant's amendment and corresponding arguments, filed 30 April 2007, have been reviewed and considered. Claims 1-26 have been canceled and claims 27-33 have been added. Therefore, claims 27-33 are currently pending.

During an interview the examiner and the applicant's representative agreed upon claim language that would be considered to overcome the prior art rejection of the first Office Action because it was determined that "the prior art of record fails to teach or disclose a method of aesthetically altering shoes with user created images, whereby the images are printed onto laminated sheets with adhesive backing for adherence to selected surfaces of the shoes". However, after further review of the prior art of record, it was determined that the amended claim language is still rejected under 35 U.S.C. 103(a) by POSKANZER in view of RIFKIN as presented in the first Office Action.

The prior art of RIFKIN teaches a process for creating user-designed stickers (i.e. laminated sheets with adhesive backing) to adhere to an object (such as a toy car) in order to make the object more aesthetically pleasing in a way that is entertaining and simple for the user. The prior art reference of POSKANZER teaches aesthetically altering garments such as shoes (i.e. boots) by applying adhesively backed laminate stickers with images thereon to the garment. Since it is known and taught by POSKANZER to aesthetically alter shoes by applying stickers to the shoes and RIFKIN teaches a process of

Art Unit: 3765

designing stickers with images thereon for the purpose of applying the stickers to an object in order to make the object more aesthetically pleasing in a way that is entertaining and simple for the user, then it would have been obvious to have used the process as taught by RIFKIN to design and print stickers for shoes. This Office Action is considered a second non-final rejection.

Claim Objections

Claims 28 and 29 are objected to because of the following informalities: Claims 28 and 29 both depend from a cancelled base claim. It appears that the applicant meant claim 28 to depend from claim 27 and claim 29 to depend from claim 28. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over POSKANZER (U.S. Patent 5,943,697) in view of RIFKIN (U.S. Patent 6,116,906).

Regarding claim 27, POSKANZER discloses the method of aesthetically altering articles of clothing, such as skirts, vests, rainwear, **boots (i.e. shoes)**,

Art Unit: 3765

hats, bookbags, handbags (i.e. purses), belts, wallets and all other forms of garments and accessories (Col. 4, Lines 15-20), by applying adhesively backed laminate stickers (200, 310) with images (240) thereon, to the garment (100, 300) (Fig. 1 and Fig. 3). However, POSKANZER fails to disclose a method for designing and producing the adhesively backed laminate stickers with images thereon.

RIFKIN teaches a method for designing and producing stickers to adhere to an object in order to make the object more aesthetically pleasing in a way that is entertaining and simple for the user. RIFKIN teaches the use of a display monitor (15), one or more input devices (13, 14) and a printer (20). RIFKIN teaches providing a computer program on a computer readable carrier to include a plurality of predetermined objects/models and a plurality of image designs (Col. 4, Lines 5-21). RIFKIN teaches selecting an object/model for display on the display monitor and therefore it is inherent that RIFKIN teaches a plurality of predetermined objects/models (Col. 4, Lines 22-45). RIFKIN teaches selecting one of said image designs for display on the display monitor (Col. 4, Lines 18-21 and 48-52). RIFKIN teaches selecting a surface from an upper portion of the object/model and modifying the surface of the object/model to include the image design (Col. 4, Lines 56-67) (Figures 4 and 7). RIFKIN teaches previewing the object/model (40, 56) having the image design (53-55, 41-46) on the surface thereof on the display monitor (15, 50) (Figures 1, 2 and 3) (Col. 4, Lines 36-67). RIFKIN teaches providing a plurality of printable laminate sheets (22) wherein the printable laminate sheet is cut into one or more sections to define a plurality of

Art Unit: 3765

peelable blank covers (23-26) within the printable cloth laminate sheet (Fig. 1 and Fig. 8). RIFKIN teaches the peelable blank covers being approximate the size and shape of the selected surfaces of the upper portion of the object/model. RIFKIN also teaches printing the at least one image design upon the blank cover to produce a printed cover (Col. 5, Lines 1-18) (Fig. 1). RIFKIN teaches providing a physical object that matches the style of the selected model. RIFKIN demonstrates removing one or more of the printed covers from the printable laminated sheet and applying one or more of the printed covers to one or more of the surfaces of the physical object whereby the physical object is aesthetically altered (Col. 5, Lines 1-18).

Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the method of altering clothing such as shoes by applying adhesively backed laminate stickers with an image design thereon (of POSKANZER) with a method for designing and producing adhesively backed laminate stickers with an image design thereon, in light of the teachings of RIFKIN, in order to provide a more aesthetically pleasing garment in a way that is entertaining and simple for the user. For future reference, it is commonly known in the art for stickers to be applied to shoes for decoration, sizing purposes, children ID tags, left/right foot acknowledgment and for reflective purposes (See cited references on PTO-892).

Regarding claims 28-32, POSKANZER in view of RIFKIN teaches a method of designing and producing adhesively backed laminate stickers with images thereon in order to aesthetically alter shoes as discussed above. RIFKIN

Art Unit: 3765

further teaches the use of a peripheral device for importing (Col. 1, Lines 24-26) image designs (BACKGROUND; Col. 1, Line 44 – Col. 2, Line 50). The imported image designs provide the functions as described in the rejection of claim 27. RIFKIN teaches types of peripherals comprising computer storage means, color scanners and digital cameras (BACKGROUND examples). The Examiner wants to make it known to the applicant that the applicant's disclosure expresses that the use of peripherals such as sketch pads, digitizers, scanners, digital video cameras and still cameras are commonly used in the art to create computer images (Applicant's Disclosure; Page 2, Lines 6-13). In regards to claim 30, a color copier is being considered a scanner because a scanner copies an image to a computer. However, POSKANZER in view of RIFKIN fails to teach the peripheral device importing or storing at least one image design from the World Wide Web.

It is old and known in the art for a person to save an image from the World Wide Web onto a computer's storage means in order to later print, edit, or view the image. Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the peripheral of RIFKIN with the ability to store at least one image design from the World Wide Web in order to later use the image in the design and printing of image stickers.

Regarding claim 33, POSKANZER in view of RIFKIN teaches a method of designing and producing adhesively backed laminate stickers with images thereon in order to aesthetically alter clothing as discussed above. RIFKIN further teaches the printable cloth laminate sheets including a printable cloth

Art Unit: 3765

sheet (23-26) releasably adhered to a release sheet (22) (Fig. 1). RIFKIN teaches the printable cloth sheet including a first indicia side (32, 33) for printing thereon and a second adhesive side having a pressure sensitive adhesive thereon whereby the pressure sensitive adhesive remains on the printable cloth sheet upon removal of the printable cloth sheet from said release sheet (Refer to Abstract and Figures). The adhesive side is considered to be pressure sensitive because it can be stuck onto an object by using pressure. However, RIFKIN fails to mention the release sheet being coated with a releasing agent whereby the pressure sensitive adhesive releasably adheres the printable cloth sheet to the release sheet.

In the applicant's background and prior art section of the specification it is mentioned that, "various types of barrier coatings have been provided on a carrier sheet to allow release of labels with adhesive on their backs" which discloses that the use of a releasing agent on a releasing sheet is considered commonly known in the art in order to provide an adequate way to easily secure and release labels from a carrier sheet so they can be placed on an object without damage to the label or adhesive (Applicant's Disclosure; Page 3, Lines 18-21). Accordingly, it would have been obvious to one with ordinary skill in the art at the time the invention was made to have provided the release sheet of RIFKIN with a releasing agent because it is well known in the art to do so in order to provide an adequate way to easily secure and release printable sheets without causing damage to the printable sheets or adhesive located thereon before their use on an object.

Conclusion

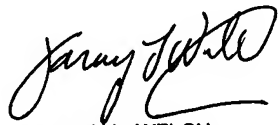
The prior art made of record, as cited on attached PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan E. Durham whose telephone number is (571) 272-8642. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NED


GARY L. WELCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700